

## ARTICLE 4 – LEAVE PROVISIONS

### Section 4.1 ANNUAL LEAVE

- a. Employees are provided an advance of two monthly accruals on their date of hire. Regular accruals will start on the 30<sup>th</sup> of the month once the employee has been employed for at least 75 days prior to the accrual date.
- b. Except for employees eligible for accelerated leave schedules, annual leave for full-time employees participating in the Virginia Retirement System Plan 1 or Plan 2, as well as eligible grant and special project employees, shall be accrued per month in accordance with the schedule listed below following the commencement of regular monthly accruals:

<u>Length of Service</u>	<u>Accrual Rate</u>
1 - 4 years	8 hours
5 - 9 years	10 hours
10 - 14 years	12 hours
15 - 19 years	14 hours
20 or more years	16 hours

- c. Following the commencement of regular monthly accruals, annual leave for part-time employees hired prior to January 1, 2014 shall be accrued per month as follows:

<u>Scheduled Hours Per Month</u>	<u>Accrual Rate Based on Years of Service</u>				
	<u>0 - 4</u>	<u>5 - 9</u>	<u>10 - 14</u>	<u>15 - 19</u>	<u>20+</u>
40 – 79 hours	2 hours	2.5 hours	3 hours	3.5 hours	4 hours
80 – 119 hours	4 hours	5 hours	6 hours	7 hours	8 hours
120+ hours	6 hours	7.5 hours	9 hours	10.5 hours	12 hours

- d. The City Manager is authorized to adopt administrative regulations establishing criteria for determining length of service for leave accrual purposes for employees who alternate between full-time and part-time status, or who leave City employment and return at a later date.
- e. Accelerated schedules of leave will be developed and administered by the Director of Human Resources to recognize special or unusual work schedules required of certain groups of employees.
- f. Full-time employees may carryover 400 hours of accrued unused annual leave from one calendar year to the next. Part-time employees may

carryover 280 hours of accrued unused annual leave. Employees in fire and emergency medical services who accrue leave under an accelerated schedule will be allowed to carryover a maximum annual leave balance of 560 hours.

- g. The annual leave balance of all employees will be reviewed once per year. Annual leave time accumulated by an employee under the standard accrual schedule in excess of the established maximum carryover amounts will be purged in accordance with an established administrative regulation.
- h. Full-time employees shall be paid for accrued annual leave, up to a maximum of 400 hours (560 for certain employees in fire and emergency medical services), at the time of retirement, resignation, termination, or death, with the exception of employees who received advanced accruals pursuant to Section 4.1.a and terminate employment with less than 60 days of service. If an employee leaves City employment with less than 60 days of service, the employee is responsible for repaying the City 100% of the advanced leave if less than 30 days of service is completed, or 50% of the advanced leave if 30 to 59 days of service is completed.
- i. Part-time employees shall be paid for accrued annual leave, up to a maximum of 280 hours, at the time of retirement, resignation, termination or death, with the exception of employees who received advanced accruals pursuant to Section 4.1.a and terminate employment with less than 60 days of service. If an employee leaves City employment with less than 60 days of service, the employee is responsible for repaying the City 100% of the advanced leave if less than 30 days of service is completed, or 50% of the advanced leave if 30 to 59 days of service is completed.

**Section 4.2 SICK LEAVE**

- a. Full-time employees participating in the Virginia Retirement System Plan 1 or Plan 2, as well as eligible grant and special project employees, shall accumulate sick leave at the rate of eight hours per month with no maximum limit.
- b. Sick leave for part-time employees hired prior to January 1, 2014 shall be accrued per month as follows:

<u>Scheduled Hours</u> <u>Per Month</u>	<u>Accrual Rate</u>
40 – 79 hours	2 hours
80 – 119 hours	4 hours
120+ hours	6 hours

- c. The City Manager is authorized to adopt administrative regulations

establishing criteria for determining length of service for leave accrual purposes for employees who alternate between full-time and part-time status, or who leave City employment and return at a later date.

- d. Accelerated schedules of leave will be developed and administered by the Director of Human Resources to recognize special or unusual work schedules required of certain groups of employees.
- e. The use and payout of sick leave shall be governed by an administrative regulation established by the City Manager.

**Section 4.3 PAID TIME OFF**

- a. Employees are provided an advance of two monthly accruals on their date of hire. Regular accruals will start on the 30<sup>th</sup> of the month once the employee has been employed for at least 75 days prior to the accrual date.
- b. Upon commencement of regular monthly accruals, paid time off for full-time employees participating in the Virginia Retirement System Hybrid Plan, as well as grant and special project employees hired on or after January 1, 2014, shall be accrued per month as follows:

<u>Length of Service</u>	<u>Accrual Rate</u>	<u>Maximum Accrual</u>
1 - 4 years	12 hours	400 hours
5 - 9 years	14 hours	400 hours
10+ years	16 hours	400 hours

- c. Upon commencement of regular monthly accruals, part-time employees hired on or after January 1, 2014 who are scheduled to work a minimum of 80 hours per month shall accrue paid time off as follows:

<u>Length of Service</u>	<u>Accrual Rate</u>	<u>Maximum Accrual</u>
1 - 4 years	6 hours	280 hours
5 - 9 years	7 hours	280 hours
10+ years	8 hours	280 hours

- d. The City Manager is authorized to adopt administrative regulations establishing criteria for determining length of service for leave accrual purposes for employees who alternate between full-time and part-time status, or who leave City employment and return at a later date.
- e. Accelerated schedules of leave will be developed and administered by the Director of Human Resources to recognize special or unusual work schedules required of certain groups of employees.

- f. Full-time and part-time employees may carryover from one calendar year to the next the maximum accrual specified.
- g. The paid time off balance of all employees will be reviewed once per year. Paid time off accumulated by an employee in excess of the established maximum carryover amounts will be purged in accordance with an established administrative regulation.
- h. Employees shall be paid for accrued paid time off up to the maximum accrual based on years of service at retirement, resignation, termination or death, with the exception of employees who received advanced accruals pursuant to Section 4.1.a and terminate employment with less than 60 days of service. If an employee leaves City employment within the first 60 days of employment, the employee is responsible for repaying the City 100% of the advanced leave if less than 30 days of employment is completed or 50% of the advanced leave if 30 to 59 days of employment is completed.

#### **Section 4.4 LEAVE INCENTIVE**

- a. Full time employees of the City as of August 13, 2019, are required to make an election of their choice of leave incentive/sick leave payout options on the 2019 Leave Incentive Agreement form. The options are based on the employee's City hire date, sick leave balance, and VRS plan enrollment.
- b. Employees may choose to have their leave incentive/payout deposited into their account with ICMA-RC or into their health savings account (HSA). In order to make this election, employees must update their deferral with ICMA-RC or HSA election to allow funds to be deposited into either of these accounts and the amount elected cannot exceed the Internal Revenue Service (IRS) annual maximum.
- c. Employees in VRS Plan 1 or 2 with a City hire date of December 31, 2000 or earlier and a sick leave balance of 640 hours or more (896 hours or more for sworn Fire employees on 24-hour shifts) have the following options:
  - 1. Option 1 – Leave incentive payment and up to \$7,500 sick leave payout
    - i. Eligible to receive an annual lump sum leave incentive of \$500 that may be paid directly to the employee or deposited into a deferred compensation account or health savings account. For the first payment in the fall of 2019, the employee must have a current sick leave balance of

at least 640 hours (896 for sworn Fire employees on 24 hour shifts). Every year thereafter, the employee must have a sick leave balance of at least 480 hours (672 for sworn Fire employees on 24 hour shifts) and not have used more than 64 hours of sick leave (89.6 hours for sworn Fire employees on 24-hour shifts) during the period of October 1 through September 30.

- ii. Eligible to receive a payout of 25% of the employee's sick leave balance, up to \$7,500, for service retirement (or up to \$11,000 for work-related disability retirement) following 15 years of continuous City service. In order to be eligible for the sick leave payout, the employee must retire from the City and immediately begin drawing a pension from VRS.
2. Option 2 – Eligible to receive a sick leave payout of 25% of the employee's sick leave balance, up to \$10,000, for service retirement (up to \$11,000 for disability retirement) following 15 years of continuous City service. In order to be eligible for the sick leave payout, the employee must retire from the City and immediately begin drawing a pension from VRS.
- d. Employees in VRS Plan 1 or 2 with a City hire date of December 31, 2000 or earlier with a sick leave balance less than 640 hours (or less than 896 hours for sworn Fire employees on 24 hour shifts) have the following options:
    1. Option 1 - Eligible to receive an annual lump sum leave incentive of \$500 paid directly to the employee or deposited into a deferred compensation account or health savings account. For the first payment in the fall of 2019, the employee must have a sick leave balance of at least 480 hours (672 for sworn Fire employees on 24 hour shifts). Every year thereafter, the employee must have a sick leave balance of at least 480 hours (672 for sworn Fire employees working 24-hour shifts) and not have used more than 64 hours of sick leave (89.6 hours for sworn Fire employees on 24-hour shifts) during the period of October 1 through September 30.
    2. Option 2 - Eligible to receive a sick leave payout of 25% of the employee's sick leave balance, up to \$7,500, for service retirement (up to \$11,000 for work-related disability retirement) following 15 years of continuous City service. In order to be eligible for the sick leave payout, the employee must retire from the City and immediately begin drawing a pension from VRS.

- e. Employees with a City hire date of January 1, 2001 through August 13, 2019 and enrolled in VRS Plan 1 or 2 have the following options:
  - 1. Option 1 - Eligible to receive an annual lump sum leave incentive of \$500 paid directly to the employee or deposited into a deferred compensation account or health savings account. For the first payment in the fall of 2019, the employee must have a current sick leave balance of at least 480 hours (672 for sworn Fire employees on 24 hour shifts). Every year thereafter, the employee must have a sick leave balance of at least 480 hours (672 for sworn Fire employees working 24-hour shifts) and not have used more than 64 hours of sick leave (89.6 hours for sworn Fire employees on 24-hour shifts) during the period of October 1 through September 30.
  - 2. Option 2 - Eligible to receive a sick leave payout of 25% of the employee's sick leave balance, up to \$7,500, for service retirement (up to \$11,000 for disability retirement) following 15 years of continuous City service. In order to be eligible for the sick leave payout, the employee must retire from the City and immediately begin drawing a pension from VRS.
- f. Employees enrolled in the VRS Hybrid Plan with a City hire date of August 13, 2019 or earlier are eligible to receive an annual lump sum leave incentive of \$500 paid directly to the employee or deposited into a deferred compensation account or health savings account. For the first payout in the fall of 2019, the employee must have a PTO balance of at least 216 hours. Every year thereafter, the employee must have a PTO balance of at least 216 hours and must have conserved at least 16 hours of PTO accrued during the period of October 1 through September 30.
- g. Employees hired after August 13, 2019, are eligible to receive a lump sum leave incentive of \$500 paid directly to the employee or deposited into a deferred compensation account or health savings account. For the first payment in the fall of 2019, the VRS Plan 1 or 2 employee must have a current sick leave balance of at least 480 hours (672 for sworn Fire employees on 24-hour shifts). The VRS Hybrid employee must have a PTO balance of at least 216 hours. Every year thereafter, the VRS Plan 1 and 2 employee must have a current sick leave balance of at least 480 hours (672 for sworn Fire employees working 24-hour shifts) and must not have used more than two thirds (64 hours) of sick leave (89.6 hours for sworn Fire employees on 24-hour shifts) during the period of October 1 through September 30. The VRS Hybrid employee must have a PTO balance of at least 216 hours and must

have conserved at least 16 hours of PTO accrued during the period of October 1 through September 30.

- h. Upon separation of employment, including retirement, or transition from a benefit-eligible to a non-benefit-eligible position (e.g. regular part-time to seasonal/substitute), annual leave and PTO will be paid out at the rate of pay the employee was earning on his/her last day of employment in a benefit-eligible position with the exception of pay earned in a Temporary Acting Assignment (TAA). If an employee is in a TAA when he/she separates from employment, leave will be paid out at his/her rate of pay prior to placement in the TAA.

#### **Section 4.5 BEREAVEMENT LEAVE**

An employee will be granted bereavement leave with pay for three (3) work days for the death of an immediate family member. For purposes of this section, "work day" is defined as eight (8) hours for regular employees and 11.2 hours for sworn Fire employees. Specific provisions governing the eligibility and use of bereavement leave shall be established and maintained in an administrative regulation.

#### **Section 4.6 MILITARY LEAVE**

The City shall adhere to applicable provisions of state law and the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. § 4301, et seq., for covered employees in the uniformed services. The City Manager will establish and maintain an administrative regulation governing the use of military leave. An employee on military leave due to a call to active duty may draw against his or her accumulated leave balances, including sick leave, in an amount equal to the difference between the employee's net military pay and net City pay.

#### **Section 4.7 FAMILY AND MEDICAL LEAVE**

The City shall adhere to applicable provisions of the Family and Medical Leave Act, 29 U.S.C. § 2601, et seq. The City Manager will establish and maintain an administrative regulation governing the use of family and medical leave.

#### **Section 4.8 OTHER LEAVE**

- a. Public service leave (e.g. jury duty, serving at the polls, compelled witness testimony) shall be reviewed and approved by the department head in accordance with state and federal law. Any fees received by the employee for public service performed under this provision shall be returned to the City.
- b. Special disaster leave can be granted on a case-by-case basis, and at the sole discretion of the City Manager or designee, to employees who wish to be absent from work for a specified period of time in order to carry out relief activities as a volunteer for a recognized relief agency.

- c. Administrative leave at full pay may be authorized for the purpose of providing paid leave prior to termination of employment, emergency work-related reasons, and other situations as determined by the City Manager. Department heads may authorize up to one day of administrative leave. The City Manager or designee may authorize additional days of administrative leave as required for these purposes.
- d. Specific provisions governing the use of public service leave, special disaster leave, and administrative leave shall be established and maintained in an administrative regulation.

#### **Section 4.9 HOLIDAYS**

- a. The City shall observe the same legal holidays and additional time off provided to state employees by the Governor of Virginia.
- b. For employees who accrue annual leave at a higher rate because their work schedules include holidays, the holidays outlined in Section 4.8(a) are included in their annual leave accrual rate.
- c. Part-time employees shall receive paid leave equal to the number of hours that the employee would have worked on the holiday.
- d. Specific provisions regarding additional pay or leave shall be established and maintained in an administrative regulation.

#### **Section 4.10 LEAVE OF ABSENCE WITHOUT PAY**

A leave of absence without pay may be granted where valid reasons exist and with the prior approval of the employee's supervisor and department head. Department heads have the authority to approve requests that are for a period of time equal to or less than thirty (30) consecutive calendar days. Requests for a leave of absence of more than thirty (30) consecutive calendar days shall require the approval of the Director of Human Resources or designee.

An employee on leave of absence without pay does not accrue annual or sick leave during the period of absence. Employee benefits may be affected during this period in accordance with applicable law or administrative regulation.

#### **Section 4.11 BENEFIT ELIGIBILITY**

Benefit eligibility varies depending on position status and group. Specific provisions governing benefit eligibility shall be established and maintained in administrative regulations.